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SUBJECT: REFUGEE RETURNS IN EASTERN CONGO: A JOINT US-EU  
ASSESSMENT

¶1. Summary: A joint USG-European Union assessment team composed of US representatives from PRM and OFDA traveled throughout Katanga and South Kivu provinces in January, finding a basic level of peace and stability, but continued sporadic human rights abuses perpetrated primarily by security forces and ex-combatants. Much remains to be done in terms of early recovery and development, but refugees are returning from neighboring countries and receiving assistance from UNHCR, NGOs, and other donors in their reintegration to Congo. The delegation found seven areas in which interventions by all actors could improve the return process: 1) integrated response to return, 2) repatriation-return management, 3) planning and budget operations, 4) UNHCR coordination, 5) implementation of Project Profile, 6) implementation of humanitarian reform, and 7) greater involvement by the government of DRC. All recommendations were made jointly by the US and EU, and this report represents the consensus view of the entire delegation. End summary.

#### Overview

¶2. From Jan. 14-24, 2007, a joint delegation from the United States Government (State Department and USAID) and the European Commission Directorate General for Humanitarian Aid (DG ECHO) traveled to the Democratic Republic of Congo (DRC) to assess the return and reintegration of refugees and displaced people and to appraise the implementation of the various new coordination and funding mechanisms linked to the UN humanitarian reform process. The delegation of eight core members was led by William Fitzgerald, US Deputy Assistant Secretary of State for Population, Refugees, and Migration,

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and Cees Wittebrood, head of the Africa unit for DG ECHO. The mission held meetings with government officials, UN heads of agency, and representatives of the international community and non-governmental organizations in Kinshasa. It visited Lubumbashi, Moba, Pweto, Uvira, Baraka, and Fizi. The mission also met with UNHCR in Bujumbura, Burundi, and concluded with a wrap-up debriefing in Goma.

¶3. In general, the mission observed professionals from the UN and other international organizations, NGOs, and the government of DRC working well under extremely challenging conditions. The mission witnessed a safe and dignified refugee repatriation by ship from Tanzania to Baraka, DRC, and noted extensive preparations for upcoming repatriations from Zambia to eastern Katanga Province. The mission was able to move freely without escort and at no time felt either under threat or that it was in a hostile or dangerous environment. Nonetheless there was clear and widespread evidence of the destruction caused by the war, and reliable witnesses spoke of ongoing insecurity in more remote areas. In Kinshasa and Lubumbashi all interlocutors spoke of a recent but significant economic up-turn, with the cities certainly appearing vibrant. However, the basic services in refugee return areas of Katanga and South Kivu appeared very limited, though some members of the team who had visited previously felt that significant progress had been made over the last year thanks to the humanitarian assistance and the efforts of the local communities themselves.

¶4. The return of refugees and Internally Displaced Persons (IDPs) begins a process of integration that may take years to complete. More than a decade of war has left homes, schools, and health centers in shambles. There are still some 1.2 million IDPs and some 400,000 refugees in neighboring countries. Despite the vast needs in the DRC, most returned refugees the mission spoke to were pleased to be home after years outside their native country. Congo has a rare opportunity to consolidate its peace and democracy, which is still extremely fragile. With the support of the international community, the Government of DRC can address many of the ongoing challenges in infrastructure, delivery of basic services, security, and rule of law. IOs and NGOs are currently providing many of those services in areas of return, and the UN MONUC forces are providing a basic level of security, but at some point those responsibilities must be taken up by the Government of DRC.

¶5. The delegation found seven areas in which interventions by all actors could improve the return process: 1) integrated response to return, 2) repatriation-return management, 3) planning and budget operations, 4) UNHCR coordination, 5) implementation of Project Profile, 6) implementation of humanitarian reform,

and 7) the role of the government of DRC. This list is not meant to be exhaustive, or to indicate deficiencies on the part of local actors. Rather, the delegation offers these

observations to further our joint objectives. The expeditious return of Congolese to their homes, in security and with dignity, will strengthen regional stability and save lives.

#### Recommendation 1: Integrated Response to IDPs

16. The mission recommends that all actors work to provide similar levels of services to returned IDPs and refugees, and ensure there is a well-defined coordinating mechanism for assisting all returnees. The delegation observed that traditional repatriated refugees received more services and attention than either IDPs or refugees who return home spontaneously. With minor exceptions, the IDPs in Congo did not go to camps, and thus are hard to identify and IDPs becoming more and more of civil conflict world the new realities because IDPs often do not international humanitarian agencies, UN staff must devolve to work closely with leading that these acting in ways that (at the first place). The delegation the leadership will be key in the community create a complex the complex emergency delegation recommends: Between services provided: More efforts must be made to develop an integrated holistic return of all displaced resources should be visible at communities (a. the welcome switch from refugee children to supporting schools). Refugees who return spontaneously also should be afforded similar support to those who return under organized repatriations.

b. Designation of a lead agency responsible for IDPs: In DRC, UNICEF has provided IDP services through its Program of Expanded Assistance to Returns (PEAR) and Rapid Response Mechanism (RRM), both of which predate the Cluster Approach. These programs must be rapidly expanded to cover all areas where there are IDPs. In general, however, there does not appear to be clarity in the Cluster Approach about responsibilities for IDPs other than in the area of protection.

#### Recommendation 2: Management of Repatriation and Returns

17. The delegation recommends that UNHCR and other agencies develop better information about the decision-making process of returnees, and expedite processing of complicated cases from camps. The joint delegation witnessed well-organized and well-executed refugee repatriations in South Kivu province. In Katanga province, the mission saw that transit centers had been constructed for the anticipated arrival of returnees beginning in February 2007. The mission, however, was concerned about the long build-up to the start of repatriation from Katanga and the lack of adequate cross-border consultations between UNHCR-DRC and UNHCR-Zambia (see Recommendation 4). What also appears to be lacking is any coordinated collection and analysis of data about why refugees choose to return home and what factors influence that decision. Field workers from UN agencies and NGOs rely upon hearsay and conventional wisdom, which often leads to faulty conclusions. It results in ships and trucks operating far below capacity some weeks, and long waiting lines other weeks. While the decision about whether and when to return will always vary by individual and be influenced by a number of changing factors (weather, security, health, etc.), some general conclusions could be drawn through a structured study of past experience. For example, it was unclear what effect the recent elections in DRC had upon repatriation. Some humanitarian workers believed it was a key factor holding back returns prior to December 2006; others believed it made little difference to the average farmer. How much information do refugees in camps have about conditions in their villages back home? Some workers believe the refugees know very little after being away for 8-12 years; others

believe they are intimately aware of the smallest details thanks to networks of friends, relatives, and those who return home spontaneously and report back. Cell phones are common, and each ship that returns from DRC to Tanzania carries bags of mail back to those in the camps. Specifically, the delegation recommends:

a. In-depth interviewing of those who have returned (both spontaneously and through organized repatriations): Such information would allow for better estimations of future returnees, when it is time to move from facilitated to promoted repatriation, and what are the most urgent early recovery and development needs in the DRC.

b. Following up with no-shows to convoys and ships: In general, the number of refugees who actually show up on any given day of a repatriation is far below the number who signed up. Those who handle logistics never know why scores of refugees opted out at the last minute. Follow-up visits could determine whether there is a pattern to the reasons given. If the reasons are based on rumor or false information (e.g. resettlement possibilities to the US or other third countries), UNHCR, and NGO staff could correct misperceptions before they become widespread.

c. Targeting job-training in refugee camps more specifically to realities back home: Many Congolese refugees are receiving training in camps for trades that are either oversubscribed or non-relevant in most villages. Subsistence farming is the reality in eastern Congo for all but a few of the returnees, and the delegation recommends that camp training focus more on improved agricultural production. The delegation heard a sobering NGO report on ecological devastation to Lake Tanganyika caused in part by poor fishing and farming practices, an issue that could be addressed and possibly reversed by appropriate training in the camps. FAO would seem to be a logical agency to take the lead on this issue.

d. Expediting the resolution of complicated cases to increase

the pace of repatriation: A significant number of camp residents are consistently rejected for repatriation because their cases are deemed problematic by UNHCR (incomplete or inconsistent records; separated children; medical issues; etc.). The delegation recommends that HCR expedite those cases, assigning dedicated staff if necessary, so that they are not all left until the end, thereby slowing and prolonging the repatriation.

e. Expediting the repatriation of refugees from the Republic of Congo (Brazzaville): The mission was disappointed at the slow rhythm of return from ROC but notes with satisfaction and anticipation UNHCR's assurances that, all things being equal, the process will be concluded by the end of the year.

#### Recommendation 3: Planning figures and assumptions

18. The mission urged UNHCR to develop more accurate repatriation planning figures, to separate fixed and variable costs, and to keep donors apprised of ongoing revisions. UNHCR has proposed annual planning figures for repatriation that consistently have far exceeded what was eventually achieved. For some operations the difference has been more than threefold. The funding implications for donors are obvious, as donors link their funding levels to UNHCR's planning figures and are thus confronted with increased and unacceptable unit costs. The mission recognizes that UNHCR reviewed its targets and budgets for 2006, however this was only done in the last quarter of the year, effectively preventing donors from readjusting their contributions and thus making the most effective use of their funds. The result has been an increasing loss of confidence in the planning figures and budgets proposed by UNHCR and thus a consequent apprehension in committing funds. The proposed Congolese repatriation figure for 2007 is set at 98,000. The delegation considers that, though this may be theoretically feasible on paper, the technical and political assumptions on which the estimate is based are extremely optimistic. The delegation understands that the myriad elements that influence repatriation are extremely difficult to predict. Despite recent political advances in DRC, the delegation remains unconvinced, based on past experience, that the proposed repatriation figures are achievable. Consequently, funding the entire budget at once may not appear reasonable from the perspective of some donors. Specifically the delegation recommends:

a. UNHCR revise its annual repatriation figures based on past experience: Also, by attention to Recommendation 2 above,

UNHCR should be able to establish more accurate assumptions.

b. UNHCR break down its budget for donors in terms of fixed and variable costs: The delegation realizes that UNHCR has certain fixed costs in order to carry out existing obligations and to be fully prepared for the repatriation process. Nonetheless the delegation highlights the fact that UNHCR must expect that some donors will wish to modulate their contributions to match the actual rhythm of repatriation. Consequently, the mission recommends that, if UNHCR is unable to revise its current planning figure for 2007, it should provide donors with a clear distinction between its fixed and variable costs and demonstrate how these variable costs change according to the number of refugees actually repatriated.

c. Keep donors apprised of ongoing budget revisions: UNHCR should alert donors in a timely fashion to any adjustments in variable costs resulting from any reduction or increase in the rhythm of repatriation.

#### Recommendation 4: UNHCR Coordination and Tripartites

19. The delegation recommended that UNHCR increase cross-border coordination, increase its Katanga field staffing, improve communication among field offices, regularize communication with DRC humanitarian actors and partners, and encourage the early conclusion of remaining tripartite agreements and the holding of regular tripartite commission meetings. The delegation recognizes that UNHCR has established cross-border meetings, as well as more casual contacts among offices involved in the DRC repatriation. However, the mission observed in the field that many communication gaps exist. Specifically, the delegation recommends:

a. Increased cross-border coordination: There are gaps in coordination across borders that contribute to delays in repatriation operations. An early emphasis on cross-border planning will ease logistics throughout the return operation from Zambia. Katanga offices should meet regularly with counterparts in Zambia to iron out specific details of the return operation including target dates for convoys. The mission was pleased to learn of a scheduled late January meeting, and encourages consultations.

Further to increase the cross-border information regarding refugee, and areas of origin. Communication should be improved. Offices should incorporate the South Kivu operation returns from Zambia.

b. facilitate coordination to ensure that adequate place to set up incentives to serve must be increased until found.

c. Improved # field offices: The need for UNHCR to increase exchange of information among its field offices. Because field offices report directly to Kinshasa, the offices are not well informed about each other's activities and planning. In addition, field offices should be sharing and learning from best practices. In particular, the CPIA (Comite Provinciale Inter Agence) is not informed, which means that clusters are not informed, as is the case in Uvira.

d. Improved coordination with partners and other humanitarian actors: UNHCR should coordinate more closely with partners, other humanitarian actors and potential partners in regions of return, including the dissemination of information from cross-border exercises so that humanitarian actors can target their interventions appropriately.

e. Expedited completion of Tripartite Agreements: The Mission recognizes that the conflict in DRC has spread refugees across more than nine countries and that tripartite

agreements are subject to political will often outside UNHCR's control. However it is noted that tripartite agreements remain to be signed between DRC/UNHCR and Rwanda, Burundi and Uganda. All parties concerned should take measures to conclude these as soon as possible. Existing commissions should meet regularly in order to expedite the ongoing repatriation process.

#### Recommendation 5: Project Profiling and ProGres Database

10. The mission encouraged UNHCR to allow transfer of data from UNHCR Tanzania to UNHCR Congo, to give regional IT staff authority to change software, and to complete the installation of digital fingerprinting equipment. Taking full advantage of proGres is one way to address many of the information gaps mentioned above in Recommendation 4. After significant investment from donors in the Project Profile exercise, UNHCR has failed to use this tool to full advantage in the DRC operation. UNHCR Congo does not have access to proGres data from UNHCR Tanzania concerning refugees scheduled for repatriation. The database is configured in a way that does not allow UNHCR Congo to enter local data correctly. Local offices cannot change the database to correct this problem. Specifically, the delegation recommends:

a. Allowing UNHCR Tanzania to transfer refugee information to UNHCR Congo: The argument that information protection precludes exchange of data appears specious. The data is available to UNHCR DRC in other forms. In fact, the data exchange is already underway in Tanzania-Burundi operations. The present policy only prevents the effective use of proGres data, thereby slowing the pace of information exchange and preventing effective refugee services.

b. Removing barriers to software adaptation: ProGres formatting is not sufficiently flexible to meet mission needs. As the system is developed, programmers should be guided by input from the field, and local IT people should be authorized to make minor formatting changes to the database, which would enable field offices to enter relevant data and produce reports, such as passenger manifests for use by cross-border operators. In a region with ongoing repatriation, a regional proGres administrator would be helpful.

c. Completing the installation of digital fingerprinting equipment: UNHCR should complete the installation of the proGres project by installing the fingerprint function for the system in all locations. Fingerprint records are effective in preventing refugee recycling. UNHCR has overcome technical problems that prevented fingerprinting in the recent past, and is already using fingerprinting effectively in some locations.

#### Recommendation 6: UN Humanitarian Reform

11. The mission recommends that the Cluster Approach not become simply a disbursement vehicle for the Pooled Fund, and that the Early Recovery Cluster become more active. A new set of coordination and funding mechanisms has been introduced in the DRC over the past year, including the Cluster Approach, the Central Emergency Response Fund (CERF), and the Pooled Fund. Still in the pilot phase, these new tools are not widely or consistently understood by partner agencies and NGOs across the national, provincial, and district levels. On the positive side, the Cluster Approach appears to have at least revitalized coordination among stakeholders. The process has expanded to include Government of DRC agencies such as REGIDESO (water company) and the National Commission for Refugees (Commission Nationale pour les Réfugiés, or CNR), which is very positive. Many partners said the multi-sectoral assessments that Clusters support are effective. The delegation also heard, however, that partners consider the Cluster process to be inefficient, causing additional work and too many meetings. Although the Cluster system was not designed as a funding mechanism, it has become one in DRC because of the Humanitarian Coordinator's decision to allocate the Pooled Fund (joint humanitarian financing by several bilateral donors, most notably the UK) through the Clusters.

12. Another concern heard by the delegation is that a lack of clarity exists on how programs chosen for funding by the CERF and Pooled Fund through the Cluster process are to be monitored and evaluated. NGO partners do not seem to be clear on whom they ultimately are accountable to between the

Pooled Fund and the Clusters. Many of the Clusters appear to be functioning efficiently and well in DRC with the exception of the Early Recovery Cluster, co-chaired by UNDP and UNHCR. In eastern Congo, there was little sense that the Early Recovery Cluster was organized and functioning as it should be. This is a particularly vital time for early recovery in Congo, and a lack of coordination in the transition from relief to development could have long-term repercussions for repatriation. Specifically, the delegation recommends:

a. The Clusters not lose track of their core mission: If the DRC finds that distributing Pooled Funds through the Clusters

makes sense, the Cluster Leads must ensure that the Clusters do not only become funding disbursement vehicles. The Clusters must maintain their central role as coordinating bodies to address gaps in the delivery of humanitarian assistance and to insure the quality and coherence of activities with respect to the Humanitarian Action Plan for DRC. NGOs and partners in the field must be informed about the overall goals of the Cluster Approach and its role in humanitarian reform.

b. The Early Recovery Cluster become more active: If recovery and development needs in return areas are not properly identified and tackled, displaced people may cease returning home and those who have already repatriated will face gaps in basic services. It is incumbent upon this Cluster to ensure that other agencies and the government assume their full responsibilities in order to respond adequately to relief-to-development challenges.

c. The Cluster system must not dilute UNHCR's clear mandate for refugees: The cluster system was essentially set up to highlight and cover gaps in services to IDPs and specific non-refugee vulnerable populations. It was not intended to force UNHCR to share its responsibility for refugee management to a Cluster. UNHCR must retain its recognized mandate with respect to refugees.

#### Recommendation 7: Government of DRC Participation

¶13. The mission recommends that the Government of DRC fund civil servant salaries, repair and maintain key roads, and reform the justice and security sectors. The Government of DRC must become more involved in humanitarian assistance and development. The mission fully appreciates the constraints presented by lack of funding and capacity, but the government must increase its participation and responsibility for ensuring the return and re-integration of its own people. The Commission Nationale pour les Réfugiés (CNR) is well placed to coordinate the government facilitation of the return process within the DRC since it represents many important ministries. However, its budget is far too small to match its mandate.

¶14. The delegation heard several times from employees of international organizations and NGOs in the field that the best thing the Government of DRC could do is stay out of their way. The mission also heard from Government of DRC officials that the government will be prepared to step forward once the international community has completed its humanitarian work. Both approaches are understandable in times of crisis, but not in the current environment. Now that DRC has moved beyond war and has conducted democratic elections, it is time for the government and the international humanitarian community to work more closely. It is the government's responsibility, security and well-being. Specifically, the delegation. The Government of DRC servants: The fact ten unpaid or underpaid pace of repatriation. Areas of security and underpaid soldiers create security concerns and lack of pay for teachers make it impossible to staff existing schools. The CNR should receive much greater funding to work through its member ministries to ensure that basic health, education, and social services are provided in areas of return.

b. The Government takes over the maintenance of key roadways: Infrastructure needs in Eastern Congo are enormous. The humanitarian community has been repairing and opening key roads, but without the participation of the Government of DRC in repair and maintenance, most roads will not last beyond one rainy season, leaving citizens isolated from services and markets.

c. The Government of DRC must proceed with the reform of its security and judicial sectors with the assistance of the international community: The lack of effective rule of law prevents adequate resolution of land tenure disputes, safe reintegration of refugees and IDPs, prosecution of criminals, and other issues directly affecting local communities. In addition, the government must ensure that the space in which the humanitarian community operates is respected in terms of free movement, security, lack of unreasonable administrative hindrances, and other threats that impede the delivery of humanitarian assistance.

¶15. The full delegation was composed of the following US participants: William Fitzgerald, Deputy Assistant Secretary of State, PRM; Antoinette Ferrara, Director, Disaster Response and Mitigation, Office of Foreign Disaster Assistance, USAID; Jay Nash, OFDA Senior Program Officer, Kinshasa; Wendy Henning, Program Officer, Central Africa Region, PRM; Dana Francis, Refugee Officer, US Mission to the European Union, Brussels; and George Frederick, Refugee Coordinator, Great Lakes Region, Kampala. The European Commission participants were Cees Wittebrood, Head of Unit for Africa region, DG ECHO; Philippe Maughan, Desk Central Africa, DG ECHO; Patrick Vercammen, DG ECHO, Kinshasa; Yves Horent, DG ECHO, Dar es Salam; and Fausto Prieto, DG ECHO, Bukavu, DRC.

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